

RESOLUTION NO. 08-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-07-41.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVE AS FOLLOWS:

WHEREAS, an application was filed by Bill Hall, authorized agent for LA Lakes QRS, Inc., owner of real property located at 3400 Avenue of the Arts, requesting approval of a master plan amendment to reduce a landscape/sidewalk easement along a 400-foot portion of Sakioka Drive from 25 feet to 20 feet, within the PDR-HD zoning district; and

WHEREAS, a duly-noticed public hearing was held by the Planning Commission on January 14, 2008, to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project; and

WHEREAS, the Planning Commission recommended that City Council approves Planning Application PA-07-41 by adopting Resolution No. PC-08-04; and

WHEREAS, a duly noticed public hearing was held by the City Council on February 5, 2008.

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the City Council hereby **APPROVES** Planning Application PA-07-41 for the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-07-41 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the Conditions of Approval, then this Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

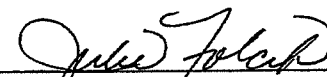
BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that approval of this resolution is expressly predicated upon the future approval of the Costa Mesa City Council of a vacation or abandonment of the portion of the landscape/sidewalk easement to be reduced. The Master Plan Amendment does not go into affect until such time as the City Council has approved vacation or abandonment of the portion of the landscape/sidewalk easement to be reduced in compliance with California law.

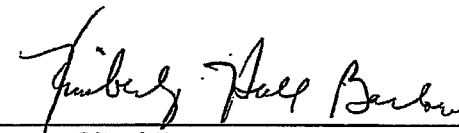
PASSED AND ADOPTED this 5<sup>th</sup> day of February, 2008.

  
ERIC BEVER  
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

  
City Clerk of the  
City of Costa Mesa

  
City Attorney

STATE OF CALIFORNIA)

COUNTY OF ORANGE )

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above Council Resolution No. 08-11 as considered at a regular meeting of said City Council held on the 5<sup>th</sup> day of February, 2008, and thereafter passed and adopted as a whole at the regular meeting of said City Council held on the 5<sup>th</sup> day of February, 2008, by the following roll call vote:

AYES: BEVER, MANSOOR, DIXON, FOLEY, LEECE.

NOES: NONE.

ABSENT: NONE.

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this 5<sup>th</sup> day of February, 2008.

Julie Folcik  
JULIE FOLCIK, CITY CLERK

(SEAL)

## EXHIBIT "A"

### FINDINGS

- A. The master plan amendment meets the broader goals of the General Plan, the North Costa Mesa Specific Plan, and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. Specifically, the proposed setback is consistent with current Code requirements as well as will recent approvals for the Enclave apartment project, located directly to the east of this site. The parkway between the street and the sidewalk will remain unchanged and mature trees existing on-site where the parking is proposed, will be relocated to maintain the current appearance of the streetscape.
- B. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.

## EXHIBIT "B"

### CONDITIONS OF APPROVAL

- Plng.
1. No modification(s) of the approved plans shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.
  2. The conditions of approval, Code provisions, and special district requirements of Planning Application PA-07-41 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  3. The applicant shall contact the Planning Division to arrange for Planning inspection of the site prior to Building final inspection. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
  4. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
  5. All trees to be removed shall be saved.